



DOCKET NO.: CHIR-0054

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Graeme I. Bell, Leslie B. Rall, and James

P. Merryweather

Confirmation No.: 7021

Patent No.: 5,405,942

Issued: April 11, 1995

Application No.: 08/837,009

Group Art Unit: 1647

Filing Date: April 11, 1997

Examiner: Lorraine Spector

For: Prepro-Insulin-Like Growth Factors I And II

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL REISSUE DECLARATION

A. ☒ Declaration by Inventor(s):

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed in letters patent number 5,405,942 granted on April 11, 1995 and in the foregoing specification and for which invention I solicit a reissue patent;

B. ☐ Declaration by Assignee:

, of declare that I am a citizen of and resident of , that the entire title to letters patent number for , granted on to is vested in , that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

☐ In compliance with this duty attached herewith is an Information Disclosure Statement in accordance with 37 C.F.R. § 1.97.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT
37 CFR §1.175**

That I believe the original patent to be

☒ partly

☐ wholly

inoperative or invalid by reason of

☐ a defective ☐ specification, ☐ drawing, ☐ both

☒ said patent claiming

☐ more

☒ less

than patentee had a right to claim.

The scope of the claims of the original patent

☒ are enlarged

☐ are not enlarged

by this reissue application.

U.S. Patent No. 5,405,942 issued with claims 1 through 22. None of those original claims is directed to any method, much less a method of producing a polypeptide, or of expression in a transformed host cell, as supported in the specification at Column 2, lines 32-49; Column 3, line 5 through Column 4, line 11; and Figures 1 and 2. The failure to claim such a method is an insufficiency of the original claims which is sought to be corrected by this reissue application by the addition of claims in the accompanying amendment.


All errors being corrected in this reissue application up to the time of filing of the present reissue application arose without any deceptive intention on the part of the applicant.

STATEMENT AS TO ADDITIONAL ERRORS UNDER 37 C.F.R. §1.175(b)(1)

In accordance with 37 C.F.R. 1.175(b)(1), applicant states that all errors being corrected in this reissue application which are not covered by the original reissue declaration in said application arose without deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Graeme I. Bell	
Mailing Address: 5719 South Dorchester Avenue Chicago, Illinois 60637	Signature _____ Date of Signature: _____
City/State of Actual Residence: Chicago, Illinois	Citizenship: <u>United States of America</u>

Name: James P. Merryweather	
Mailing Address: 1065 Hayne Road Hillsborough, California 94010	 Signature _____ Date of Signature: <u>5/4/05</u>
City/State of Actual Residence: Hillsborough, California	Citizenship: <u>United States of America</u>

Name: Leslie B. Rall	
Mailing Address: 222 Dellbrook Avenue San Francisco, California 94131	Signature Date of Signature: _____
City/State of Actual Residence: San Francisco, California	Citizenship: <u>United States of America</u>

☐ **By assignee or person authorized to sign on behalf of assignee:**

By: _____

*Signature of assignee or person
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Typed Name: _____

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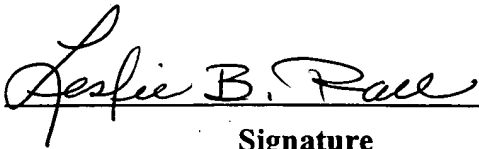
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City/State of Actual Residence: Hillsborough, California	Date of Signature: _____ Citizenship: <u>United States of America</u>

Name: Leslie B. Rall	 Signature
Mailing Address: 222 Dellbrook Avenue San Francisco, California 94131	Date of Signature: <u>May 18, 2005</u>
City/State of Actual Residence: San Francisco, California	Citizenship: <u>United States of America</u>

☐ By assignee or person authorized to sign on behalf of assignee:

By: _____
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